

## **BILL ANALYSIS**

H.B. 38  
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Transportation  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

It was recently reported that auto repair shops across the country have been using counterfeit airbags as replacement parts for vehicles involved in accidents. In many cases, these counterfeit airbags were shown to malfunction and pose a high risk of bodily injury or even death to passengers in the vehicle. H.B. 38 seeks to address this concern by increasing the penalty for certain offenses relating to motor vehicle airbags.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 38 amends the Transportation Code to increase the penalty from a Class A misdemeanor to a state jail felony for the following offenses: knowingly installing a counterfeit airbag; purporting to install an airbag and failing to do so; making or selling a counterfeit airbag to be installed in a motor vehicle; intentionally altering an airbag that is not counterfeit in a manner that causes the airbag to not meet all applicable federal safety regulations for an airbag designed to be installed in a vehicle of a particular make, model, and year; representing to another person that a counterfeit airbag installed in a motor vehicle is not counterfeit; or causing another person to commit such a violation or assisting a person in such a violation. The bill enhances the penalty for such an offense to a felony of the first degree if it is shown at trial that the offense resulted in the death of a person.

### **EFFECTIVE DATE**

September 1, 2013.